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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **KOBAYASHI, Naoyuki, et al.**

Atty. Docket No. **060708** Group Art Unit: **3726**

Serial No.: **10/593,645** Examiner: **CHANG, Rick Kiltae**

Filed: **September 21, 2006** P.T.O. Confirmation No.: **4915**

For: **METHOD OF MANUFACTURING CATALYTIC CONVERTERS, CATALYTIC CONVERTERS, AND METHOD OF CONTROLLING CATALYTIC CONVERTERS**

ELECTION and TRAVERSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

Date: **August 9, 2010**

In the event that this paper is not timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 01-2340.

Election. In response to the Election of Species Requirement dated July 7, 2010, the Applicants provisionally elect to prosecute the species embodying Species 1, Figure 5 and claims 2, 4-7 and 15. The applicants reserve the right to file divisional applications on the non-elected claims.

Traverse. The applicants note that the Examiner is basing the election requirement on an assumption, namely, that claim 1 is anticipated by US 7,484,297 (Action page 3, lines 1-7). Therefore the Applicants traverse the election on the basis that the '297 patent does *not* anticipate (i.e., the Applicants' claims actually do make a "contribution" over this patent), whereby the basis of the election requirement is null.

The differences from US 7,484,297 are discussed below.

(1) Claim 1 recites

a detecting step for detecting a pressing force at a time when a pressing device presses the catalyst;
a calculating step for calculating a diameter reduction of the outer cylindrical housing, by which a clearance value between the outer cylindrical housing and the catalyst is set to a desired target value, based on the pressing force detected by the detecting step; and
a swaging step for reducing a diameter of the outer cylindrical housing based on the diameter reduction calculated by the calculating step.

(2) US 7,484,297 discloses a method comprising establishing the fracture characteristics of the monolith substrate for the combination of the monolith substrate and mat material; then selecting a suitable compression sequence such that the monolith substrate will not fracture; placing the mat material around the monolith substrate; inserting the combination of the mat material and monolith substrate into the outer tube; and compressing the combination of the outer tube, mat material and monolith substrate according to a compression sequence so that the monolith substrate is not fractured.

(3) The Examiner asserts (page 3, line 9) that US '297 discloses a detecting step, a calculating step, and a swaging step. However, there is no citation to the reference, either by reference numeral or by line number. The Applicant notes that the word "calculating" does not occur anywhere, and submits that there is no step of calculating anywhere in the patent. The words "clearance" and "target," that are also used in claim 1, likewise fail to appear.

(4) There is no disclosure of calculating a diameter reduction, nor of such a calculation based on pressing force (i.e., the reduction is a function of the force).

US '297 states (col. 4, line 17), "Thus, for every different monolith geometry, the peak force for fracturing of the monolith substrate may be measured such that the pressure against the monolith substrate in psi never exceeds a maximum threshold during manufacturing. ... according to the process described, the force and/or pressure can be measured, and the process is repeatable"—in other words, don't use enough force to break it. What is claimed is not so simplistic.

As the requirement is based on asserted anticipation, but anticipation has only been asserted and not established by citation and argument, withdrawal of the requirement is respectfully requested.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP

Nick Bromer

Nick S. Bromer
Attorney for Applicants
Reg. No. 33,478

NSB/lrj

4th Floor
1420 K Street, N.W.
Washington, D.C. 20005
(202) 659-2930

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